

REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

Claim 29 has been revised to include the limitations of now cancelled claims 24 and 28, from which it depended. Claim 29 has been further revised so as to recite –NH as the linker, hydrogen as R₁ to R₃ and alkyl as R₄. Claim 30 has been revised to address matters of form, as have claims 31 and 32, which depend from claim 29. Claims 25, 37, 38, 40 and 41 have been revised to depend from claim 29 and claims 25, 37 and 38 have been further revised to address matters of form. Claim 46 has been amended to conform with claim 29 as now presented. In addition to claims 24 and 28, claims 26 and 27 have been cancelled without prejudice, as have non-elected claims 33 to 36.

As regards claim 31, which the Examiner indicates is withdrawn, attention is directed to the fact that the claim depends from 29 and does so properly since the conjugate depicted falls within the scope of the conjugate depicted in claim 29. Accordingly, the Examiner is requested to consider and allow the claim or provide an explanation for doing otherwise.

The Examiner indicates on the face of the September 23, 2003 Office Action (item 6) that claim 32 is rejected. This notation is believed to be in error and clarification of the record in this regard is requested.

Claims 24-28 and 37-48 stand rejected under 35 USC 102(a) as allegedly being anticipated by Rauth; claims 24-28, 37 and 38 stand rejected under 35 USC 102(b) over

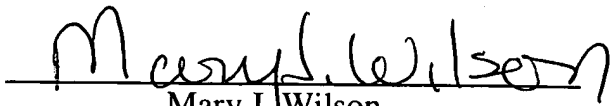
Hay et al; and claims 24-28 and 37-45 stand rejected under 35 USC 102(b) over Adams et al. Withdrawal of the rejections is submitted to be in order in view of the above-noted claim revisions/cancellations. Reconsideration is requested.

The Examiner's comment regarding the Information Disclosure Statement submitted July 25, 2003 is noted. Jaffar et al was cited in the International Search Report. The Notification of Acceptance mailed June 25, 2001 specifically acknowledges receipt of that Report and copies of the references cited therein. Since the issuance of that Notification, the Examiner has had ample opportunity to request a further copy of Jaffar et al should he/she have found it necessary. The Examiner has not elected to do so. At this point, it is totally inappropriate for the Examiner to refuse consideration of the article on the basis that the copy that has been of record since the filing for this application is illegible.

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Mary J. Wilson
Reg. No. 32,955

MJW:tat
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100